

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Martin Jones NV 4778
(Name of Plaintiff) (Inmate Number)

Box A 1 Rockview Place
(Address) Bellefonte Penna. 16823

(2) N/A
(Name of Plaintiff) (Inmate Number)

3:19-CV-1657
(Case Number)

N/A
(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT
Jury Trial Demanded

(1) Laurel Harry, Superintendent

(2) John Doe I, Sergeant, Property room

(3) John Doe II, Lieutenant, Intake room
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

FILED
SCRANTON

SEP 25 2019

PER HF
DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

✓ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? Yes No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? Yes No

C. If your answer to "B" is Yes:

1. What steps did you take? filed a Grievance

2. What was the result? upheld in Part/Deny in Part

D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS

(1) Name of first defendant: Laurel Harry

Employed as Superintendent at SCI-Camp Hill

Mailing address: 2500 Lisburn Road Po Box 8837 Camp Hill, 17001 PA

(2) Name of second defendant: John Doe I

Employed as Sergeant, property room at SCI-Camp Hill

Mailing address: 2500 Lisburn Road Po Box 8837 Camp Hill, 17001 PA

(3) Name of third defendant: John Doe II

Employed as Lieutenant, intake at SCI-Camp Hill

Mailing address: 2500 Lisburn Road, Po Box 8837 Camp Hill, 17001 PA

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1.

See Attached

I JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiffs Jones seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Jones claims compensatory and punitive damages relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

II. PLAINTIFF

2. Plaintiff Jones is and was at all time mentioned here, in a prisoner of the State of Pennsylvania in the custody of the Pennsylvania Department of Correction. Plaintiff Jones, currently confined in Pennsylvania Department of Corrections at SCI-Rockview.

III. DEFENDANTS

3. Defendant Superintendent Laurel Harry, of the Department of Correction Sci-Camp Hill. He is the overseer of prison staff.

4. Defendant John Doe I property room sargent at Sci-Camp Hill, who's name at this time is unknown. Works 6^{AM}-2^{PM} Shift. on 11-20-18 and 11-26-18.

5. Defendant John Doe II intake room Lieutenant. Works 6^{AM}-2^{PM} Shift. SCI-Camp Hill. on 11-27-18.

16. Each Defendant is being sued in his individual and official capacity.

17. At all times in this complaint each Defendant acted under color of state law.

FACTS

8. On 11-20-18 while at SCI-Camp Hill, the Plaintiff Jones, legal work and personal property were packed up. Then they were placed on the bus on 11-21-18 and shipped somewhere, because Plaintiff Jones was to be transferred.

9. Transfer was canceled for Plaintiff Jones.

10. On 11-26-18 Plaintiff Jones was packed up again and Plaintiff Jones, knew that he was going on out to SCI-Phoenix.

11. On 11-26-18 Plaintiff Jones, asked Defendant John Doe I property room Sargent, works 6-2 Shift.

12. For my legal work.

13. But my legal work was lost in transit.

IV. EXHAUSTION OF LEGAL REMEDIES

14. Plaintiff Jones used the prisoner grievance procedure available at SCI-Camp Hill to try and solve the problem.

15. On 12-18-18 Plaintiff Jones presented the facts relating to this complaint.

16. On 7-22-19 Plaintiff Jones got final Appeal

decision: Uphold in Part / Deny in Part

3

17. see Exhibit A

V. LEGAL CLAIM

18. Plaintiff Jones, re-allege and incorporate by reference paragraphs 1. Defendants acted with deliberate indifference to Plaintiff Jones needs.

19. SCI-Camp Hill had me pack up my property on 11-20-18. Defendant Jones was suppose to transfer on 11-21-18, to another SCI-prison. But my transfer was canceled.

But Plaintiff Jones, property was not taken off Bus. And it was lost.

20. SCI-Camp Hill property room sargent John Doe I ^{shift} on 6^{AM} to 2^{PM} that Plaintiff Jones, would be leaving on 11-27-18 to go on visit to SCI-Phoenix.

21. At this Plaintiff Jones, requested his legal work, because Plaintiff Jones, needed it for his court appearance. Defendant told Plaintiff he could not help Plaintiff Jones, and he would try to contact

John Doe II on 6^{AM} to 2^{PM} Lieutenant and find out where Plaintiff Jones, legal work was. Defendant

John Doe I property sargent 6^{AM} to 2^{PM} ^{BY} got no response.

Plaintiff Jones, asked for Defendant John Doe II 6^{AM} to 2^{PM}

Lieutenant's name, Defendant John Doe I property sargent stated he will not throw a co-worker under the bus. For Plaintiff Jones to take property receipt with him.

4
And before Plaintiff Jones gets on the bus, ask Defendant John Doe II Lieutenant 6th 2nd in intake on 11-27-18 AM about my property and legal work. Plaintiff Jones got yelled at and told to get on the bus.

22. Plaintiff Jones withdrew his guilty plea from Sept. 4, 2018 trial. Within the 30 day appeal time, Plaintiff Jones had evidence in his legal work to prove, Plaintiff Jones deserved lesser of a sentence on all charges.

23. 1. Manufacture, Delivery, or Possession with intent to manufacture or deliver. (F) 2-4 years, Plead "No-Contest" Plaintiff Jones has evidence to prove his innocence will be produce in discovery.

2. Conspiracy Manufacture, Delivery, or Possession with intent to Manufacture or Deliver - (F) 2-4 years running Concurrent with 1. above. Plaintiff Jones has evidence will be produce in discovery.

24. 3 Possession of firearm prohibited - (F2) 5-10 years, Consecutive.

25. Plaintiff Jones has evidence in my legal work, to prove, they violated my Due Process, which Plaintiff Jones will produce in discovery.

26. 4 Hindering Prosecution, 7 years probation consecutive to 7-14 years, Plaintiff Jones has

evidence to prove his innocence, will produce in discovery,
27. Defendants violated Plaintiff Jones, 4th, 5th, 8th, and 14th,
of the United States Constitutional Rights. ⁵

28. Constitutional Amendments

1. Amendment 4th

A; The right of the people to be secure in their persons, houses, papers, and seizures, shall not be violated.

2. Amendment 5th

B; nor be deprived of life, liberty, or property, without due process of law; nor shall private property taken for Public use, without just compensation.

3. Amendment 8th

C; nor cruel and unusual punishment inflicted.

4. Amendment 14th

D; All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

32. Each Defendant is being sued in his individual and official Capacity. At all times in this Complaint each Defendant acted under color of State Law.

VI. PRAYER FOR RELIEF

33. WHEREFORE, Plaintiff Jones, respectfully pray this Court enter judgement;

34. Granting Plaintiff Jones a declaration that the acts and omission described herein violate Plaintiff Jones, rights under the Constitution and laws of the United States.

35. Granting Plaintiff Jones, compensatory damages in the amount of \$500,000 against each Defendant jointly and severally.

36. Granting Plaintiff Jones, punitive damages in the amount of \$500,000 against each Defendant, jointly and severally.

37. Plaintiff Jones, also seeks recovery of their cost in this suit, and any additional relief, this court deems just, proper, and equitable.

38. Plaintiff Jones, is unable to obtain names of the Defendants, John Doe I, property sargent 6th 2nd shift on 11-21-18 and 11-27-18 at SCI-Camp Hill.

Defendant John Doe II, intake Lieutenant 6th 2nd shift, on 11-27-18 at SCI-Camp Hill.

39. At time of discovery Honorable Judge may have to subpoena names of Defendants.

40. Jury Trial Demanded

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of September, 2019.

Martin W. Jones
(Signature of Plaintiff)

Exhibit A

2-2

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

Medical Property
FOR OFFICIAL USE
776959
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: SCI-Campbell	DATE: 11-28-18
FROM: (INMATE NAME & NUMBER) Martin Jones S/1114778	SIGNATURE OF INMATE: <i>Martin Jones</i>	
WORK ASSIGNMENT: NA	HOUSING ASSIGNMENT: GA-12	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

SCI-Campbell had me pack up my property on 11-20-18 I was suppose to on 11-21-18 my transfer was concealed. Why? I don't know, but my property was sent ahead of me. Campbell told me to pack up on 11-26-18. I told the Sgt of property at Campbell that I didn't have my property with me that it was sent ahead of me and that I needed my legal work documents for court, but do to the jail send my property without me, I was unable to give the documents, I needed for court, that was needed to be presented at court. My problem is when my property was concealed the first time I asked the property Sgt. How can I retrieve my things, so I could be able to present, to court. He stated that he could do nothing for me but he could contact for me which he said he did when I got the chance to speak to the LT in intake, before I got on the bus to go on my flight, all he did was yell at me and treated me with nothing but disrespect. When I asked for my property. The Sgt. Stated that Campbell property. He will not throw his co-worker under the bus. I arrived at SCI-Phoenix without my property. He is not able to fight my with respect, and forced to accept a sentence of 7-14 years. Which I know, if I had my legal documents, I could of prove that I deserve a lesser sentence. Due to those office my due process was tamper with and I want the proper action.

As of Dec. 17, 2018 I still don't have my, legal work or my family's address's, or any Commissary or personal property. You ~~are~~ Deprived me of my property. This is a violation of my civil rights,

B. List actions taken and staff you have contacted, before submitting this grievance.

1. Sgt. of property at Campbell (11-26-18)	DC-153m-A159607 (11-26-18)
2. LT. of intake at Campbell (11-27-18)	DC-153m-A159602 (11-20-18)

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Gibral
Signature of Facility Grievance Coordinator

12/08/18
Date

WHITE Facility Grievance Coordinator Copy CANARY File Copy PINK Action Return Copy
GOLDEN ROD Inmate Copy

Exhibit A (1-2)



07/22/2019 02:07

Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

Inmate Name:	JONES, MARTIN WILLIAM	DOC #:	NN4778
SCI Facility:	Camp Hill	Current SCI:	Rockview
Grievance #:	776959		

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Decision: Uphold In Part / Deny In Part

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

You filed this grievance stating you were transferred on WRIT without your legal property.

Review of the record confirmed that you were transferred to SCI Phoenix on 11/26/18 without property. Investigation into your grievance revealed that you were initially scheduled for a temporary transfer on 11/20/18 but it was cancelled. The revised initial review response acknowledges that even though your transfer was cancelled, your property remained on the bus going to SCI Rockview. The exact path of the property that was sent on the bus on 11/20/18 is unclear, as the record reflects that you returned from SCI Phoenix with two boxes of property. However, the record confirms that you did not take any property with you to SCI Phoenix on 11/26/18. Your claims concerning the impact on your hearing and that this 'forced you to accept a sentence of 7-14 years' cannot be substantiated. Issues presented in your appeal which weren't raised at prior levels will not be addressed.

Based on the aforementioned information, your appeal is upheld in part/denied in part.

Signature:	
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	

CC: DC-15/Superintendent - Camp Hill
 DC-15/Superintendent - Rockview
 Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual**Section 2 - Appeals, Attachment 2-F**

Issued: 1/26/2016 Effective: 2/16/2016

NN4778 Grievance #:776959

JONES, MARTIN WILLIAM

Page 1 of 1

9-19-2019

Sorry I don't have enough copy's, It's just
to expensive.

Thank you
Matthew

Martin M. Jones PA 18778
SCI-Rockview
PO Box A 1 Rockview Place
Bellefonte, PA 16823

INMATE MAIL
PA DEPT OF
CORRECTIONS



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SEP 25 2019

PER G DEPUTY CLERK

United States District Court
for The
Middle District of Pennsylvania
William J. Nelson Federal Bldg. & U.S. Courthouse
235 North Washington Av.
Po Box 1148
Scranton, PA 18501-1148